

**PHARMACY EXAMINING BOARD
MEETING MINUTES
OCTOBER 30, 2013**

PRESENT: Thaddeus Schumacher, Charlotte Rasmussen, Philip Trapskin, Rocky LaDien, Greg Weber, and Kristi Sullivan

EXCUSED: Cathy Winters

STAFF: Dan Williams, Executive Director; Sharon Henes, Rules Coordinator; Matthew Guidry, Bureau Assistant; and other Department Staff

CALL TO ORDER

Thaddeus Schumacher; called the meeting to order at 9:05 a.m. A quorum of six (6) members was present.

ADOPTION OF AGENDA

MOTION: Charlotte Rasmussen moved, seconded by Kristi Sullivan, to adopt the agenda as amended. Motion carried unanimously.

PUBLIC HEARING

MOTION: Philip Trapskin moved, seconded by Charlotte Rasmussen, to accept sections 4(a) and 4(b), and 5 of the comments of the Clearinghouse Report for Clearinghouse Rule 13-076 relating to return or exchange of health items. Motion carried unanimously.

MOTION: Philip Trapskin moved, seconded by Rocky LaDien, to reject section 4(c) of the comments of the Clearinghouse Report for Clearinghouse Rule 13-076 relating to return or exchange of health items as the scope of return of health items is broader than hypodermic syringes, needles and other objects intended for injecting drugs. Motion carried unanimously.

MOTION: Greg Weber moved, seconded by Kristi Sullivan, to authorize the Chair to approve the Legislative Report and Draft for Clearinghouse Rule 13-076 for submission to the Governor's Office and Legislature. Motion carried unanimously.

MOTION: Greg Weber moved, seconded by Kristi Sullivan, to accept all comments of the Clearinghouse Report for Clearinghouse Rule 13-075 relating to electronic prescriptions. Motion carried unanimously.

MOTION: Kristi Sullivan moved, seconded by Rocky LaDien, to authorize the Chair, or designee, to approve the Legislative Report and Draft for Clearinghouse Rule 13-075 for submission to the Governor's Office and Legislature. Motion carried unanimously.

MOTION: Philip Trapskin moved, seconded by Rocky LaDien, to recommended changes to Phar 8.09(4) to read as follows:

“SECTION 7. Phar 8.09 (4) is amended to read:

Phar 8.09 (4) Within 7 days after authorizing an emergency electronic or oral prescription order, the practitioner shall cause a written **or electronic** order for the emergency quantity prescribed to be delivered to the dispensing pharmacist. In addition to conforming to the requirements of s. Phar 8.05, the order shall contain on its face “authorization for emergency dispensing” and the date of the electronic or oral order. The written **or electronic** order may be delivered to the pharmacist in person or by mail **or electronically**, but if delivered by mail it shall be postmarked within the 7 day period. Upon receipt, the dispensing pharmacist shall attach this prescription order to the electronic or oral emergency order reduced to writing under sub. (2) (b). The pharmacist shall notify the board or department of safety and professional services if the practitioner fails to deliver the written **or electronic** order. Failure of the pharmacist to provide notification shall void the authority conferred by this section to dispense without a written **or electronic** order of a practitioner.”

. Motion carried unanimously.

APPROVAL OF MINUTES OF SEPTEMBER 11, 2013

Amendments to the Minutes

- Page 1 of the Minutes: Add a comma (,) after Thaddeus Schumacher:

MOTION: Kristi Sullivan moved, seconded by Charlotte Rasmussen, to approve the minutes of September 11, 2013 as amended. Motion carried unanimously.

ADMINISTRATIVE UPDATES

MOTION: Greg Weber moved, seconded by Kristi Sullivan, to request DSPS staff to create a Department Contact list for the Board, specifically Dan Williams, Gretchen Mrozinski, Matthew Guidry, Chad Zadrazil, Andrea Magermans, Greg Weber, Sharon Henes, Monitoring, DLSC, and Credentialing with Email Addresses and direct phone numbers. Motion carried unanimously.

MOTION: Kristi Sullivan moved, seconded by Charlotte Rasmussen, to move the Pharmacy Examining Board meeting from January 22, 2014 to February 12, 2014, and October 22, 2014 to November 5, 2014, and December 3, 2014 to December 10, 2014. Motion carried unanimously.

LEGISLATION/ADMINISTRATIVE RULE MATTERS

MOTION: Philip Trapskin moved, seconded by Kristi Sullivan, to delegate to the Chair to draft and send a letter addressing AB445/SB353 relating to the impact on patient access and small business to the appropriate members of the Legislature. Motion carried unanimously.

MOTION: Philip Trapskin moved, seconded by Kristi Sullivan, to delegate the Chair to draft and send a letter on the Board’s support of AB433/SB345. Motion carried unanimously.

MOTION: Greg Weber moved, seconded by Charlotte Rasmussen, to request DSPS staff draft a Scope Statement Phar 2, 4, and 18 relating to AB433 and SB345. Motion carried unanimously.

MOTION: Greg Weber moved, seconded by Rocky LaDien, to delegate to the Chair, or Philip Trapskin, the authority to communicate on behalf of the Pharmacy Examining Board on legislative matters relating to AB445 and SB353. Motion carried unanimously.

MOTION: Greg Weber moved, seconded by Kristi Sullivan, in response to Executive Order #61 the Board has reviewed its Pharmacy Chapters to identify provisions that would reduce the impact on small businesses, having no recommendations to the Small Business Regulatory Review Board as to those changes and the Board is continuing to reduce impacts on small businesses through its current rule making projects. Motion carried unanimously.

Recessed for 10 min 1:02 p.m. Convened 1:12 p.m.

VARIANCE REPORTS TECHNICIAN-TO-PHARMACIST RATIO

MOTION: Rocky LaDien moved, seconded by Kristi Sullivan, to accept the Technician-to-Pharmacist Ratio variance Report of Shopko RxCare - (Appleton) #9041 – Resubmission as resubmitted. Motion carried unanimously.

ROBOTIC DISPENSING

MOTION: Charlotte Rasmussen moved, seconded by Greg Weber, to accept the Robotic Dispensing Variance Report of Mercy Health System – Janesville as submitted. Motion carried unanimously.

TECH-CHECK-TECH

Philip Trapskin recused himself from deliberation and voting on all variances related to UW Hospital and Clinics.

MOTION: Kristi Sullivan moved, seconded by Rocky LaDien, to accept the Tech-Check-Tech Dispensing Variance Report of University of Wisconsin Hospital and Clinics as submitted. Motion carried.

VARIANCE REQUESTS TECH-CHECK-TECH

Greg Weber recused himself from deliberation and voting on all variances related to Aurora Health Care.

MOTION: Kristi Sullivan moved, seconded by Rocky LaDien, to approve the Tech-Check-Tech Dispensing Variance Request for Aurora West Allis Medical Center Pharmacy (4194-42) as submitted with standard reporting per the original variance. Motion carried.

PRESCRIPTION DRUG MONITORING PROGRAM UPDATE

MOTION: Rocky LaDien moved, seconded by Greg Weber, to request DSPS staff to connect and share PMPI data with the State of Arizona. Motion carried unanimously.

MOTION: Rocky LaDien moved, seconded by Greg Weber, to request DSPS staff to research whether the Board has the authority to grant UW Hospital and Clinics' request as outlined in their October 24, 2013 letter to the Board. Motion carried unanimously.

Philip Trapskin abstained from voting on all variances related to UW Hospital and Clinics.

MOTION: Rocky LaDien moved, seconded by Greg Weber, to recognize PDMP Staff, Chad Zadrazil and Andrea Magermans, in their great accomplishments in planning, implementation, and maintenance of the PDMP for the health professions. The Board commends the Secretary for creating permanent positions in administering the PDMP program. Motion carried unanimously.

POSITION STATEMENTS AND REVIEW

MOTION: Greg Weber moved, seconded by Rocky LaDien, to remove position statements 27, 29, and 31, from the DSPS website. Motion carried unanimously.

MOTION: Greg Weber moved, seconded by Rocky LaDien, to revise position statement 30 to contain; "Where can I find information related to EPT (Expedited Partner Therapy) as it relates to the practice of Pharmacy? See Wis. Stat. §§ 448.035, Expedited partner therapy, and 450.11, Prescription drugs and prescription devices. In addition, the Wisconsin Department of Health Services provides additional information concerning EPT and the practice of Pharmacy at <http://www.dhs.wisconsin.gov/communicable/std/>.". Motion carried unanimously.

BOARD INFORMATIONAL ITEMS

MOTION: Rocky LaDien moved, seconded by Philip Trapskin, to delegate the Chair to respond to the request for information from the Mississippi Board of Pharmacy. Motion carried unanimously.

MOTION: Kristi Sullivan moved, seconded by Charlotte Rasmussen, to have Greg Weber and Philip Trapskin be responsible for reviewing the Iowa Board of Pharmacy compounding pharmacy investigation results and report back to the Board at the next meeting on December 11, 2013. Motion carried unanimously.

CLOSED SESSION

MOTION: Greg Weber moved seconded by Kristi Sullivan, to convene to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.). Thaddeus Schumacher read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Charlotte Rasmussen – yes; Kristi Sullivan – yes; Thaddeus Schumacher– yes; Philip

Trapskin – yes; Rocky LaDien – yes; and Greg Weber – yes. Motion carried unanimously.

The Board convened into Closed Session at 2:08 p.m.

ADMINISTRATIVE WARNINGS HEARING REQUEST

MOTION: Charlotte Rasmussen moved, seconded by Kristi Sullivan, to rescind the administrative warning issued on September 11, 2013, and to close the case for Insufficient Evidence (I.E.) on Case Number #13 PHM 027 (K.L.F.). Motion carried unanimously.

Greg Weber recused himself from voting and left the meeting at 2:12 p.m.

Rocky LaDien recused himself from voting and left the meeting at 2:12 p.m.

Greg Weber returned to the meeting at 2:55p.m.

Rocky LaDien returned to the meeting at 2:55 p.m.

MONITORING

MOTION: Greg Weber moved, seconded by Rocky LaDien, to accept Bonny Kimball's Request for a Return of Full Licensure. Motion carried unanimously.

MOTION: Charlotte Rasmussen moved, seconded by Greg Weber, to deny Gabriel Simons', R.Ph. Request for a reduction in Drug and Alcohol screens. Reason for Denial: Respondent has not provided sufficient evidence to the Board to support a further reduction in screenings. Motion carried unanimously.

CASE CLOSINGS

MOTION: Greg Weber moved, seconded by Kristi Sullivan, to close case #12 PHM 077 (D.F.S.P. & B.D.S.) for Insufficient Evidence (I.E.). Motion carried unanimously.

MOTION: Charlotte Rasmussen moved, seconded by Rocky LaDien, to close case #13 PHM 005 (V.F.P.) for Prosecutorial Discretion (P-2). Motion carried unanimously.

MOTION: Greg Weber moved, seconded by Kristi Sullivan, to close case #13 PHM 020 (V.H.D.) for Insufficient Evidence (I.E.). Motion carried unanimously.

MOTION: Philip Trapskin moved, seconded by Rocky LaDien, to close case #13 PHM 021 (T/P.N.S.#6390) for No Violation (N.V.). Motion carried unanimously.

MOTION: Charlotte Rasmussen moved, seconded by Greg Weber, to close case #13PHM022 (G.C., W.M.P #10-1316) for No Violation (N.V.). Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: Kristi Sullivan moved, seconded by Greg Weber, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 3:31 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

MOTION: Philip Trapskin moved, seconded by Charlotte Rasmussen, to affirm all motions made in closed session. Motion carried unanimously.

ADJOURNMENT

MOTION: Kristi Sullivan moved, seconded by Greg Weber, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 3:44 p.m.